

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

CENTRAL UNIFIED SCHOOL DISTRICT,  
FRESNO COUNTY CHILDREN'S  
MENTAL HEALTH AND SHASTA  
COUNTY OFFICE OF EDUCATION.

OAH CASE NO. 2010100739

ORDER GRANTING MOTION TO  
AMEND COMPLAINT

On October 12, 2010, Christian M. Knox, attorney on behalf of Student filed a Due Process Hearing Request (complaint), naming Fresno County Mental Health. On November 5, 2010, Student filed a Motion to Amend the Due Process Hearing Request (amended complaint) to add Central Unified School District as a party and changed the issues and proposed resolutions. On November 15, 2010, the Office of Administrative Hearings (OAH) granted Student's Motion to Amend. On January 21, 2011, Student filed a Motion to Amend the Due Process Hearing Request (second amended complaint) to add the Shasta County Office of Education. No opposition was received from either the Central Unified School District or Fresno County Children's Mental Health.

An amended complaint may be filed when either (a) the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or (b) the hearing officer grants permission, provided the hearing officer may grant such permission at any time more than five (5) days prior to the due process hearing. (20 U.S.C. §1415(c)(2)(E)(i).)<sup>1</sup> The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E)(ii).)

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<sup>1</sup> All statutory citations are to title 20 United States Code unless otherwise indicated.

The motion to amend is timely and is granted. The amended complaint shall be deemed filed on the date of this order. All applicable timelines shall be reset as of the date of this order. OAH will issue a new scheduling order with the new dates.

IT IS SO ORDERED.

Dated: February 3, 2011

/s/

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MICHAEL G. BARTH  
Administrative Law Judge  
Office of Administrative Hearings